

REMARKS

This Response is to the final Office Action dated February 18, 2011, and to the interview granted courteously to Applicants' representatives on March 21, 2011. Claims 1 to 53 and 58 are pending. Claims 54 to 57 were previously canceled without disclaimer. Please charge Deposit Account No. 02-1818 for any fees owed in connection with this Response.

In the Office Action, claims 1 to 9, 13 to 25, 29 to 50 and 58 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,641,533 to Causey III et al. ("*Causey*") in view of U.S. Publication No. 2002/0038392 to De La Huerga ("*De la Huerga*"). Claims 10 to 12, 26 to 28, 51 to 53 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Causey*, in view of *De la Huerga* and further in view of U.S. Patent No. 6,795,421 to Heinonen et al. ("*Heinonen*").

During the interview, the Examiner and Applicants' representative discussed the rejection of independent Claim 1. Although no agreement was reached regarding the patentability of Claim 1, the Examiner indicated that Claim 1 may overcome the applied prior art subject to further consideration and search. The Examiner suggested that Applicants file a Response to the final Office Action arguing the patentability of Claim 1 over the applied prior art. Applicants have accordingly filed this Response to final Office Action with the following reasons why the present claims are patentable over the applied prior art of *Causey* and *De la Huerga*.

Independent claim 1 is directed to a system for reporting on integrity of a wireless communication link within a healthcare facility including, in part:

software installed on the wireless remote device, the software configured to report upon the integrity of the wireless communication link by: (i) sending a signal to the wireless communication link, (ii) waiting a predetermined amount of time for a response to the signal sent to the wireless communication link, and (iii) generating a time-out output that indicates loss of the wireless communication link when the response is not received within the predetermined amount of time. (emphasis added).

Applicants respectfully submit that *Causey* and *De la Huerga*, alone and in combination, fail to disclose or suggest a system including a wireless remote device having software configured to report upon the integrity of the wireless communication link by: (i) sending a signal to the wireless communication link (ii) waiting a predetermined amount of time for a response to the signal sent to the wireless communication link, and (iii) generating a time-out

output that indicates loss of the wireless communication link when the response is not received within the predetermined amount of time.

The final Office Action at page 3 acknowledges that *Causey* does not disclose the wireless remote device that includes software that reports upon the integrity of the wireless communication link by performing (i), (ii) and (iii) of Claim 1. The final Office Action at page 3 instead cites to *De la Huerga* for such disclosure. However, Applicants respectfully submit that *De la Huerga* also does not disclose or suggest a wireless remote device that includes software configured to report upon the integrity of a wireless communication link by performing (i), (ii) and (iii) of Claim 1.

In particular, the final Office Action at page 3 cites to paragraphs [0325] to [0327], [0041] and [0221] of *De la Huerga* for the disclosure of a wireless remote device with software configured to report on the integrity of a wireless communication link by performing (i), (ii), and (iii) of Claim 1. However, as discussed during the interview, Applicants respectfully disagree and submit that none of the cited paragraphs of *De la Huerga* disclose a wireless remote device with software configured to report upon the integrity of a wireless communication link by the integrity of a wireless communication link by performing (i), (ii), and (iii) of Claim 1.

Instead, as discussed during the interview, paragraphs [0325] to [0327] of *De la Huerga* disclose:

Referring again to FIG. 26, when an IV bag 140 is discontinued at controller 260 (e.g., stopping a corresponding infusion pump 100 or pump unit 108), controller 260 may monitor communication channel 255 for a status message indicating that the IV line 150 has been removed from pump 100 or pump unit 108 or a message indicating that pump 100 is being turned off. When controller 260 does not receive such a message within a period of time (e.g., 3 minutes), controller 260 may activate an audible alert indicating that the IV medication is still attached to pump 100 or pump unit 108 and might be administered again incorrectly to the patient. The physician can reset the alert by pressing a button 266 or by removing the discontinued IV line from pump 100 or pump unit 108 or by turning pump 100 off.

Similarly, when a pump is turned off or all medicants are removed from a pump, the change can be reported to the controller which may either disassociate from the pump or request confirmation that disassociation should be performed.

N. Pump Activation Without Communication With Controller 260.
(emphasis added).

As discussed during the interview, paragraphs [0325] to [0327] of *De la Huerga* instead teach a controller 260 that can monitor a channel 255 for a message indicating whether an IV line 150 has been removed from a pump. However, paragraphs [0325] to [0327] of *De la Huerga* do not teach or suggest a wireless remote device with software configured to: (i) send a signal to a wireless communication link, (ii) wait a predetermined amount of time for a response to the signal sent to the wireless communication link, and (iii) generate a time-out output that indicates loss of the wireless communication link when the response is not received within the predetermined amount of time. There is no disclosure or suggestion whatsoever in paragraphs [0325] to [0327] of a wireless remote device with software that reports upon the integrity of a wireless communication link, let alone a wireless remote device with software that: (i) sends a signal to the wireless communication link, (ii) waits a predetermined amount of time for a response to the signal sent to the wireless communication link, and (iii) generates a time-out output that indicates loss of the wireless communication link when the response is not received within the predetermined period of time.

Regarding paragraph [0041] of *De la Huerga*, paragraph [0041] of *De la Huerga* discloses:

In one use of the controller, the badge records information from the wristband, the IV bag information device, and in some cases an identifier placed on the IV pump (or a pump module when the pump can be used with more than one line). All of this information is transferred to the controller (e.g. via wireless communication).
(emphasis added).

While paragraph [0041] of *De la Huerga* discloses a badge (e.g., PDA) that transfers information to a controller via wireless communication, nothing in this paragraph discloses or suggests that the badge includes software configured to: (i) send a signal to a wireless communication link, (ii) wait a predetermined amount of time for a response to the signal sent to the wireless communication link, and (iii) generate a time-out output that indicates loss of the wireless communication link when the response is not received within the predetermined amount of time.

Regarding paragraph [0221] of *De la Huerga*, paragraph [0221] of *De la Huerga* discloses:

In addition, controller 260 may start a timer to time out a period during which authentication must be completed for controller 260 to authorize operation of the unit according to the changed protocol. Where authentication is not successfully completed within the time out period, it is contemplated that controller 260 would not allow the changed protocol to begin, may provide another message via display 266 indicating that the change would not occur and may also log the change attempt in a remote database for future consideration. (emphasis added).

While the above-quoted paragraph of *De la Huerga* discloses that controller 260 may wait for a response from a user of a pump to determine whether that user is authorized to make a change to the pump, nothing in the paragraph discloses or suggests software that reports upon the integrity of a wireless communication link at all, let alone software that reports upon the integrity of a wireless communication link by: (i) sending a signal to the wireless communication link, (ii) waiting a predetermined amount of time for a response to the signal sent to the wireless communication link, and (iii) generating a time-out output that indicates loss of the wireless communication link when the response is not received within the predetermined amount of time.

For at least the above reasons, Applicants respectfully submit that independent claim 1 and its dependent claims 2 to 9 and 13 to 17 are patentably distinguished over *Causey* and *De la Huerga*.

Independent claims 18, 33 and 44 include similar elements to independent claim 1. Applicants accordingly respectfully submit that for at least the reasons given above with respect to independent claim 1, independent claims 18, 33 and 44 and their respective dependent claims 19 to 25, 29 to 50, and 58 are patentably distinguished over *Causey* and *De la Huerga*.

The patentability of independent claims 1, 18, 33 and 44 renders the separate obviousness rejections of claims 10 to 12, 26 to 28 and 51 to 53 over *Causey*, *De la Huerga* and *Heinonen* moot.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

K&L Gates LLP

BY 

Eric M. Williams

Reg. No. 57,200

Customer No. 29200

(312) 807-4334

Dated: April 4, 2011